

## REGULATION (EEC) No 1528/71 OF THE COUNCIL

of 12 July 1971

amending Regulations No 120/67/EEC and No 359/67/EEC on the common organisation of the markets in cereals and in rice respectively

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas Council Regulation No 120/67/EEC<sup>1</sup> of 13 June 1967 on the common organisation of the market in cereals, as last amended by Regulation (EEC) No 2434/70<sup>2</sup> contains linguistic discrepancies in the description of certain products; whereas the wider definitions contained in the German and Dutch texts have resulted in higher export refunds being granted for certain products; whereas the German and Dutch texts of this Regulation should therefore be amended and the nomenclature of products falling within tariff sub-heading 11.02 B should therefore also be amended; whereas, moreover, the same alteration should be made to the Dutch text of Council Regulation 359/67/EEC<sup>3</sup> of 25 July 1967 of the common organisation of the market in rice, as last amended by Regulation (EEC) No 2434/70<sup>4</sup>;

Whereas certain difficulties have arisen in distinguishing rolled grains from flaked grains; whereas, in order to remedy this, these products should be regrouped under a single tariff sub-heading;

Whereas, to facilitate the application of the Common Customs Tariff, it has been found appropriate to classify pellets of products of the milling industry within tariff heading No 11.02;

Whereas the amendments mentioned above also entail an amendment of the Common Customs Tariff annexed to Council Regulation (EEC) No 950/68<sup>5</sup> of 28 June 1968 on the Common Customs Tariff, as last amended by Regulation (EEC) No 1/71<sup>6</sup>;

Whereas in accordance with Article 4 of Regulation No 120/67/EEC a single intervention price is fixed for maize when the quantities of indigenous maize marketed after a normal harvest are less than 45% of the amount consumed within the Community; whereas experience has shown that it is not necessary to fix derived intervention prices for maize, even if the quantities consumed exceed that percentage; whereas this system should in consequence be continued without restrictions provided there is no disturbance of the market;

Whereas, in accordance with Article 32 (3) of Regulation No 120/67/EEC, it was permissible to equate derived intervention prices for durum wheat, valid at secondary marketing centres, with the lowest intervention prices; whereas this system, established as a transitional measure and applied by the Member State whose production is largest in the Community, has given complete satisfaction; whereas therefore, it should be made definitive and extended to all marketing centres in Member States producing significant quantities of durum wheat;

Whereas Article 16 of Regulation No 120/67/EEC makes provision for granting export refunds on products listed in Article 1 of that Regulation in the form of foods set out in Annex B thereto; whereas, to allow the export of such products in the form of other goods, it is necessary to supplement that Annex; whereas, moreover, for reasons of clarity Annex B to Regulation 120/67/EEC as amended should be reproduced in full; whereas, for the same reasons, the wording of the nomenclature of products falling within tariff heading No 23.07 should be amended;

<sup>1</sup> OJ No 117, 19.6.1967, p.2269/67.

<sup>2</sup> OJ No L 262, 3.12.1970, p. 1.

<sup>3</sup> OJ No 174, 31.7.1967, p. 1.

<sup>4</sup> OJ No L 262, 3.12.1970, p. 1.

<sup>5</sup> OJ No L 172, 22.7.1968, p. 1.

<sup>6</sup> OJ No L 1, 1.1.1971, p. 1.

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation 120/67/EEC shall be amended as follows:

- (a) in Article 1 (c) and Article 11 (1) c of the German text, the words 'Grobgrieß und Feingrieß' shall be substituted for the words 'Grütze und Grieß';
- (b) in Article 1 (c) and Article 11 (1) (c) of the Dutch text, the words 'gries en griesmeel' shall be substituted for the words 'grutten, gries en griesmeel'.

*Article 2*

Regulation No 359/67/EEC shall be amended as follows:

- (a) in Article 1 (c) of the Dutch text, the words 'gries en griesmeel' shall be substituted for the words 'grutten, gries en griesmeel';
- (b) in Article 1 (c), the reference to tariff sub-heading '11.02 E VI' shall become '11.01 E II (e) 1'.

*Article 3*

Annex A to Regulation No 120/67/EEC shall be amended as follows:

- 1. The following shall be substituted for the descriptions of goods falling within tariff sub-heading 11.02:

| CCT heading No | Description of goods  |
|----------------|---|
| ex 11.02       | Cereal groats and cereal meal; other worked cereal grains (for example, rolled, flaked, polished, pearled or kibbled, but not further prepared), except husked, glazed, polished, or broken rice; germ of cereals, whole, rolled, flaked or ground: <ul style="list-style-type: none"> <li>ex A. Cereal groats and cereal meal other than groats and meal of wheat and of rice</li> <li>B. Hulled grains (shelled or husked) whether or not sliced or kibbled</li> <li>C. Pearled grains</li> <li>D. Grains not otherwise worked than kibbled</li> <li>ex E. Rolled grains; flakes other than rice flakes</li> <li>F. Pellets</li> <li>G. Germ of cereals, whole, rolled, flaked or ground</li> </ul> |

- 2. The following shall be substituted for the description of goods falling within tariff heading 23.07:

| CCT heading No | Description of goods  |
|----------------|---|
| 23.07          | Sweetened forage; other preparations of a kind used in animal feeding; <ul style="list-style-type: none"> <li>ex B. other, containing starch, glucose or glucose syrup falling within sub-headings 17.02 B and 17.05 B, or milk products (falling within headings or sub-headings 04.01, 04.02, 04.03, 04.04, 17.02 A or 17.05 A), excluding other preparations and foods containing 50% or more by weight of milk products falling within one or more of the above headings or sub-headings</li> </ul> |

*Article 4*

Article 4 of Regulation No 120/67/EEC shall be amended as follows:

- (a) The following shall be substituted for the text of paragraph 2:

'By way of derogation from paragraph 1, a single intervention price shall be fixed for maize and a single derived intervention price for durum wheat. These prices shall be valid at all marketing centres for these cereals, with the exception of Duisburg for durum wheat, provided that the quantities of indigenous maize and durum wheat marketed at the time of a normal harvest are less than the quantities consumed within the Community. For maize this price shall correspond to the lowest derived intervention price fixed in the Community where paragraph 1 is applied. For durum wheat, this price shall be equal to the lowest price resulting from the application of paragraph 1.'

- (b) The following shall be substituted for the text of paragraph 4 (a):

'in respect of each Member State and each cereal produced in significant quantity in that Member State, except for maize and for durum wheat when the provisions of paragraph 2 are applied, the marketing centre to which the lowest derived intervention price applied and the price in question.'

- (c) The following shall be substituted for the text of paragraph 4 (c):

'The intervention price for maize and the derived intervention price for durum wheat referred to in paragraph 2 where the provisions of that paragraph are applied.'

*Article 5*

Annex I to this Regulation shall be substituted for Annex B to Regulation No 120/67/EEC.

*Article 6*

Regulation (EEC) No 950/68 shall be amended as follows:

1. The additional notes given in Annex II to this Regulation shall be substituted for the additional

note to Chapter 11 of the Common Customs Tariff.

2. The nomenclature of products falling within tariff heading No 11.02 shall be as shown in Annex III to this Regulation.

*Article 7*

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*. It shall apply from 1 August 1971.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 12 July 1971.

*For the Council*

*The President*

M. PEDINI

## ANNEX I

| CCT heading No | Description of goods  |
|----------------|---|
| 17.02          | Other sugars; sugar syrups; artificial honey (whether or not mixed with natural honey); caramel;<br>B. Glucose and glucose syrup:<br>I. Containing, in the dry state, 99% or more by weight of the pure product   |
| 17.04          | Sugar confectionery, not containing cocoa:<br>B. Chewing gum<br>C. White chocolate<br>D. Other  |
| ex 18.06 C     | Chocolate and chocolate goods, whether or not filled; sugar confectionery and substitutes therefor, made from sugar substitution products, containing cocoa   |
| 19.01          | Malt extract  |
| 19.02          | Preparations of flour, starch or malt extract, of a kind used as infant food or for dietetic or culinary purposes, containing less than 50% by weight of cocoa  |
| 19.03          | Macaroni, spaghetti and similar products  |
| 19.04          | Tapioca and sago; tapioca and sago substitutes obtained from potato or other starches   |
| 19.05          | Prepared foods obtained by the swelling or roasting of cereals or cereal products (puffed rice, corn flakes and similar products)   |
| 19.06          | Communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products  |
| 19.07          | Bread, ship's biscuits and other ordinary bakers' wares, not containing added sugar, honey, eggs, fats, cheese or fruit   |
| 19.08          | Pastry, biscuits, cakes and other fine bakers' wares, whether or not containing cocoa in any proportion   |
| 21.01          | Roasted chicory and other roasted coffee substitutes; extracts, essences and concentrates thereof:<br>A. Roasted chicory and other roasted coffee substitutes:<br>II. Other (than roasted chicory)<br>B. Extracts, essences and concentrates of the products described under sub-heading A:<br>II. Other (than extracts of roasted chicory) |
| ex 21.05       | Soups and broths in liquid, solid or powder form  |
| 21.07          | Food preparations not elsewhere specified or included   |
| 22.03          | Beer made from malt   |

| CCT heading No | Description of goods   |
|----------------|--|
| 29.04          | <p>Acyclic alcohols and their halogenated, sulphonated, nitrated and nitrosated derivatives:</p> <p>C. Polyhydric alcohols:</p> <p>III. Sorbitol</p>   |
| 29.10          | <p>Acetals and hemiacetals and single or complex oxygen-function acetals and hemiacetals, and their halogenated, sulphonated, nitrated or nitrosated derivatives:</p> <p>ex B. Other</p> <p>— Methylglucosides</p>   |
| 29.14          | <p>Monoacids and their anhydrides, acid halides, acid peroxides and peracids, and their halogenated, sulphonated, nitrated or nitrosated derivatives:</p> <p>ex A. Saturated acyclic monoacids</p> <p>— Esters of sorbitol</p> <p>ex B. Unsaturated acyclic monoacids:</p> <p>— Esters of sorbitol</p>   |
| 29.16          | <p>Alcohol-acids, aldehyde-acids, ketone-acids, phenol-acids and other single or complex oxygen-function acids, and their anhydrides, acid halides, acid peroxides and peracids, and their halogenated, sulphonated, nitrated or nitrosated derivatives</p> <p>A. Alcohol-acids</p> <p>V. Gluconic acid, its salts and esters</p> <p>ex VIII. Other:</p> <p>— Glyceric acid, glycolic acid, saccharonic acid, isosaccharonic acid, heptasaccharic acid, their salts and esters</p> |
| 29.35          | <p>Heterocyclic compounds; nucleic acids</p> <p>ex T. Other:</p> <p>— Anhydric compounds of sorbitol (for example sorbitans) excluding maltol and isomaltol</p>  |
| 29.43          | <p>Sugars, chemically pure, other than sucrose, glucose and lactose sugar ethers and sugar esters, and their salts, other than products of headings Nos 29.39, 29.41 and 29.42:</p> <p>ex B. Other:</p> <p>— Sorbose, its salts and esters</p>   |
| 35.05          | <p>Dextrins and dextrin glues; soluble or roasted starches; starch glues</p>   |
| 35.06          | <p>Prepared glues not elsewhere specified or included; products suitable for use as glues, put up for sale by retail as glues in packages not exceeding a net weight of 1 kg</p> <p>— with a base of sodium silicate emulsions</p>   |
| 38.12          | <p>Prepared glazings, prepared dressings and prepared mordants, of a kind used in the textile, paper, leather or like industries</p> <p>A. Prepared glazings and prepared dressings:</p> <p>I. With a base of amylaceous substances</p>  |
| 38.19          | <p>Chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included; residual products of the chemical or allied industries, not elsewhere specified or included</p> <p>R. Foundry core binders based on synthetic resins</p> <p>Ex T. Other:</p> <p>— Sorbitol cracking products</p>   |

| CCT<br>heading<br>No | Description of goods  |
|----------------------|---|
| 39.02                | <p>Polymerisation and copolymerisation products (for example, polyethylene, polytetrahaloethylenes, polyisobutylene, polystyrene, polyvinyl chloride, polyvinyl acetate, polyvinyl chloroacetate and other polyvinyl derivatives, polyacrylic and polymethacrylic derivatives, coumarone-indene resins):</p> <p>ex C. Other:<br/>— adhesives with a base of resin emulsions</p> |
| 39.06                | <p>Other high polymers, artificial resins and artificial plastic materials, including alginic acid, its salts and esters, linoxyn:</p> <p>ex B. Other, excluding linoxyn</p>  |

## ANNEX II

## Additional notes

1. For the purpose of distinguishing between products falling within headings Nos 11.01 and 11.02 and those falling within sub-heading 23.02 A, products falling within headings Nos 11.01 and 11.02 shall be considered to be those having both:
    - starch content (determined by the modified Ewers polarimetric method) exceeding 45% by weight, referred to dry matter,
    - ash content, by weight, referred to dry matter (after deduction of any added mineral matter) not exceeding 1.6% in respect of rice, 2.5% in respect of wheat and rye, 3% in respect of barley, 4% in respect of buckwheat, 5% in respect of oats and 2% in respect of other cereals.

Germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading No 11.02.
  2. (a) Products from the milling of wheat, rye, oats, barley, rice and buckwheat (other than flour of germ of cereal) falling within headings 11.01 and 11.02 in accordance with additional note 1 of this chapter shall be classified under No 11.01 when the rate of passage through a screen of silk gauze or of artificial or synthetic fibre fabric of 0.315 mm mesh is 80% or more by weight.

Products shall however be classified under No 11.02 if the rate of passage through such a screen is less than 80% by weight.
  - (b) Products from the milling of maize and sorghum (or 'milocorn') — other than flour of germ of cereal — falling within headings 11.01 and 11.02 in accordance with additional note 1 of this chapter shall be classified under No 11.01 when the rate of passage through a screen of silk gauze or of artificial or synthetic fibre of 0.5 mm mesh is 90% or more by weight. Products shall however be classified under No 11.02 if the rate of passage through such a screen is less than 90% by weight.
  - (c) Products from the milling of cereals covered by this chapter, in the form of cylinders, pellets etc. agglomerated either by pressure alone, or with the aid of a binder, in a proportion of up to 3% by weight, are to be classified within the sub-heading 11.02 F.
3. For the purposes of sub-heading 11.02 A, 'groats and meal' means products obtained by fragmentation of cereal grains and meeting one of the following criteria:
    - (a) maize products must pass through a screen of silk gauze or of artificial or synthetic fibre fabric of 2 mm mesh in a proportion of at least 95% by weight;
    - (b) other cereal products must pass through a screen of silk gauze or of artificial or synthetic fibre fabric of 1.25 mm mesh in a proportion of at least 95% by weight.

## ANNEX III

| CCT heading No | Description of goods   |
|----------------|--|
| 11.02          | <p>Cereal groats and cereal meal; other worked cereal grains (for example, rolled, flaked, polished, pearled or kibbled, but not further prepared), except husked, glazed, polished or broken rice; germ of cereals, whole, rolled, flaked or ground:</p> <p>A. Cereal groats and cereal meal:</p> <ul style="list-style-type: none"> <li>I. Wheat: <ul style="list-style-type: none"> <li>(a) Durum wheat</li> <li>(b) Common wheat</li> </ul> </li> <li>II. Rye</li> <li>III. Barley</li> <li>IV. Oats</li> <li>V. Maize <ul style="list-style-type: none"> <li>(a) Of a fat content not exceeding 1.5% by weight: <ul style="list-style-type: none"> <li>1. For the brewing industry <sup>a</sup></li> <li>2. Other</li> </ul> </li> <li>(b) Other</li> </ul> </li> <li>VI. Rice</li> <li>VII. Buckwheat</li> <li>VIII. Millet</li> <li>IX. Grain sorghum</li> <li>X. Other</li> </ul> <p>B. Hulled grains (shelled or husked) whether or not sliced or kibbled:</p> <ul style="list-style-type: none"> <li>I. Barley, oats, buckwheat and millet: <ul style="list-style-type: none"> <li>(a) Hulled (shelled or husked): <ul style="list-style-type: none"> <li>1. Barley</li> <li>2. Oats <ul style="list-style-type: none"> <li>(aa) clipped oats</li> <li>(bb) other</li> </ul> </li> <li>3. Buckwheat</li> <li>4. Millet</li> </ul> </li> <li>(b) Hulled and sliced or kibbled ('Grutze' or 'grutten'): <ul style="list-style-type: none"> <li>1. Barley</li> <li>2. Oats</li> <li>3. Buckwheat</li> <li>4. Millet</li> </ul> </li> </ul> </li> <li>II. Other cereals: <ul style="list-style-type: none"> <li>(a) Wheat</li> <li>(b) Rye</li> <li>(c) Maize</li> <li>(d) Grain Sorghum</li> <li>(e) Other</li> </ul> </li> </ul> |

<sup>a</sup> Inclusion within this sub-heading is subject to conditions to be determined by the competent authorities.



| CCT heading No    | Description of goods   |
|-------------------|--|
| 11.02<br>(Cont'd) | <p>C. Pearled grains:</p> <ul style="list-style-type: none"> <li>I. Wheat</li> <li>II. Rye</li> <li>III. Barley</li> <li>IV. Oats</li> <li>V. Maize</li> <li>VI. Buckwheat</li> <li>VII. Millet</li> <li>VIII. Grain Sorghum</li> <li>IX. Other</li> </ul> <p>D. Grains not otherwise worked than kibbled:</p> <ul style="list-style-type: none"> <li>I. Wheat</li> <li>II. Rye</li> <li>III. Barley</li> <li>IV. Oats</li> <li>V. Maize</li> <li>VI. Buckwheat</li> <li>VII. Millet</li> <li>VIII. Grain Sorghum</li> <li>IX. Other</li> </ul> <p>E. Rolled grains; flaked grains:</p> <ul style="list-style-type: none"> <li>I. Barley, oats, buckwheat and millet: <ul style="list-style-type: none"> <li>(a) Rolled: <ul style="list-style-type: none"> <li>1. Barley</li> <li>2. Oats</li> <li>3. Buckwheat</li> <li>4. Millet</li> </ul> </li> <li>(b) Flaked: <ul style="list-style-type: none"> <li>1. Barley</li> <li>2. Oats</li> <li>3. Buckwheat</li> <li>4. Millet</li> </ul> </li> </ul> </li> <li>II. Other cereals: <ul style="list-style-type: none"> <li>(a) Wheat</li> <li>(b) Rye</li> <li>(c) Maize</li> <li>(d) Grain sorghum</li> <li>(e) Other: <ul style="list-style-type: none"> <li>1. Flaked rice</li> <li>2. Other</li> </ul> </li> </ul> </li> </ul> |

| CCT heading No    | Description of goods  |
|-------------------|---|
| 11.02<br>(Cont'd) | <p data-bbox="531 410 637 437">F. Pellets:</p> <ul style="list-style-type: none"><li data-bbox="592 449 686 476">I. Wheat</li><li data-bbox="592 487 663 514">II. Rye</li><li data-bbox="577 526 683 553">III. Barley</li><li data-bbox="577 564 668 591">IV. Oats</li><li data-bbox="585 603 683 630">V. Maize</li><li data-bbox="577 641 663 669">VI. Rice</li><li data-bbox="569 680 729 707">VII. Buckwheat</li><li data-bbox="562 718 683 746">VIII. Millet</li><li data-bbox="577 757 771 784">IX. Grain sorghum</li><li data-bbox="585 796 679 823">X. Other</li></ul> <p data-bbox="531 857 1053 884">G. Germ of cereals, whole, rolled, flaked or ground:</p> <ul style="list-style-type: none"><li data-bbox="569 895 663 923">I. Wheat</li><li data-bbox="562 934 656 961">II. Other</li></ul> |